REMARKS

This is a full and timely response to the outstanding final Office Action mailed May 20, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 102(e)

Claims 1-8 and 10-20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Carney* (U.S. Patent. No. 6,408,278 B1). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the *Carney* reference. Applicant discusses the *Carney* reference and Applicant's claims in the following.

a. Claim 1

As provided in independent claim 1, Applicant claims:

> A method for distributing and presenting preferred data on a display device located at a predetermined remote premise, comprising:
> identifying a user preference;
> providing a first communication session between a user and a host server, wherein the first communication session transfers the user preference to the host server;
> selecting preferred data responsive to the transferred user preference;
> providing a second communication session via a communication link between the host server and a remotely located display device, ***wherein the second communication session transfers the preferred data and a display control parameter to the display device and transfers an indication of one or more operational conditions of the display device to the host server; and***
> ***placing the remotely located display device in a presentation mode configured to present the preferred data in response to the display control parameter.***

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Carney* does not disclose, teach, or suggest at least the features "wherein the second communication session transfers the preferred data and a display control parameter to the display device and transfers an indication of one or more operational conditions of the display device to the host server; and placing the remotely located display device in a presentation mode configured to present the preferred data in response to the display control parameter," as recited and emphasized above in claim 1.

Rather, *Carney* discloses at most a system for delivering program content where a "server 20 can selectively point cast programming content out to display devices 14a-14n. In other words, at any given time, server 20 can control the programming content addressed to display device 14a, while separately controlling the programming content addressed to display device 14n." Col. 4, lines 35-41. However, *Carney* fails to teach or suggest "wherein the second communication session transfers the preferred data and a display control parameter to the display device . . . placing the remotely located display device in a presentation mode configured to present the preferred data in response to the display control parameter," as recited in claim 1. (Emphasis added). In contrast, *Carney* teaches a server controlling programming content. For example, *Carney* provides that "demographic information is . . . accessible to server computer 20 so that the programming content can be adjusted to conform with the probable demographic of the changing viewer composition." Col. 5, lines 61-65. Therefore, *Carney* does not teach or suggest at least the claimed limitations "wherein the second communication session transfers the preferred data and a display control parameter to the display device . . . placing the remotely located display device in a presentation mode configured to present the preferred data in response to the display control parameter," as recited in claim 1. Therefore, claim 1 is not anticipated by *Carney,* and the rejection should be withdrawn for at least this reason alone.

Additionally, *Carney* is silent regarding a display device that transfers an indication of one or more operational conditions of the display device to the host server. For at least this reason, Applicant's claim 1 is allowable over *Carney*. For example, in accordance with the detailed description associated with FIG. 3 of *Carney*, "[a]dditionally, the reservation system may provide information regarding the destination or point of departure of the viewing audience. Such additional destination and departure information can be used to further refine the content of the programming presented at a given time on a particular display device." Col.

6, lines 24–29. Refining the content in accordance with information in a reservation system does not disclose, teach, or suggest a display device that transfers an indication of one or more operational conditions of the display device to the host server.

Further, *Carney* discloses a WAN network with "enterprise wide management and monitoring capabilities. These products are built upon the Simple Network Management Protocol (SNMP) and allow remote management and proactive monitoring of all network devices utilizing SNMP tools such as RMON II." Col. 4, lines 41-48. Monitoring network usage does not disclose, teach, or suggest a "second communication session . . . transfers an indication of one or more operational conditions of the display device to the host server." Therefore, claim 1 is not anticipated by *Carney*, and the rejection should be withdrawn for at least this reason alone.

Because *Carney* fails to disclose, teach, or suggest Applicant's claimed method, which includes a second communication session that transfers preferred data and a display control parameter to the display device and transfers an indication of one or more operational conditions of the display device to the host server, *Carney* does not anticipate Applicant's claimed method. Accordingly, claim 1 is allowable and the rejection of claim 1 should be withdrawn.

b. Claims 2-8 and 10-16

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-8 and 10-16 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2-8 and 10-16 contain all the steps and features of independent claim 1. Additionally and notwithstanding the foregoing reasons for allowability of claims 2-8 and 10-16, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Accordingly, the rejections to these claims should be withdrawn.

c. Claim 17

As provided in independent claim 17, Applicant claims:

> A digital image leasing system comprising:
> means for collecting a plurality of digital images;
> means for indexing the plurality of digital images;
> means for recording information reflective of a particular customer;
> means for providing a mechanism for the particular customer to communicate an image preference;
> means for selecting a digital image responsive to the image preference;
> means for communicating the digital image to a display device at a remote location, ***wherein the display device is configured to enter a presentation mode***; and
> ***means for the display device to transfer information regarding the display device.***

(Emphasis added).

Applicant respectfully submits that independent claim 17 is allowable for at least the reason that *Carney* does not disclose, teach, or suggest at least the features "wherein the display device is configured to enter a presentation mode; and means for the display device to transfer information regarding the display device," as recited and emphasized above in claim 17.

Rather, *Carney* discloses at most a system for delivering program content where a "server 20 can selectively point cast programming content out to display devices 14a-14n. In other words, at any given time, server 20 can control the programming content addressed to display device 14a, while separately controlling the programming content addressed to display device 14n." Col. 4, lines 35-41. However, *Carney* fails to teach or suggest "wherein the display device is configured to enter a presentation mode," as recited in claim 17. (Emphasis added). In contrast, *Carney* teaches a server controlling programming content. For example, *Carney* provides that "demographic information is . . . accessible to server computer 20 so that the programming content can be adjusted to conform with the probable demographic of the changing viewer composition." Col. 5, lines 61-65. Therefore, *Carney* does not teach or suggest at least the claimed limitations "wherein the display device is configured to enter a presentation mode," as recited in claim 17. Therefore, claim 17 is not anticipated by *Carney,* and the rejection should be withdrawn for at least this reason alone.

Additionally, *Carney* is silent regarding a means for a display device to transfer information regarding the display device. For at least this reason, Applicant's claim 17 is allowable over *Carney*. For example, in accordance with the detailed description associated with FIG. 3 of *Carney*, "[a]dditionally, the reservation system may provide information regarding the destination or point of departure of the viewing audience. Such additional destination and departure information can be used to further refine the content of the programming presented at a given time on a particular display device." Col. 6, lines 24–29. Refining the content in accordance with information in a reservation system does not disclose, teach, or suggest a means for a display device to transfer information regarding the display device.

Further, *Carney* discloses a WAN network with "enterprise wide management and monitoring capabilities. These products are built upon the Simple Network Management Protocol (SNMP) and allow remote management and proactive monitoring of all network devices utilizing SNMP tools such as RMON II." Col. 4, lines 41-48. Monitoring network usage does not disclose, teach, or suggest a "means for the display device to transfer information regarding the display device." Therefore, claim 17 is not anticipated by *Carney*, and the rejection should be withdrawn for at least this reason alone.

Because *Carney* fails to disclose, teach, or suggest Applicant's claimed method, which includes a display device configured to enter a presentation mode; and means for the display device to transfer information regarding the display device, *Carney* does not anticipate Applicant's claimed method. Accordingly, claim 17 is allowable and the rejection of claim 17 should be withdrawn.

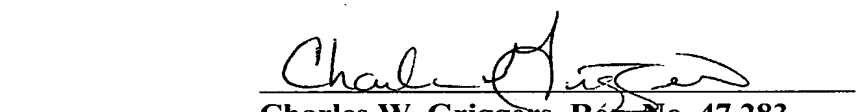
d. Claims 18-20

Because independent claim 17 is allowable over the cited art of record, dependent claims 18-20 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that the dependent claims 18-20 contain all the elements and features of independent claim 17. Additionally and notwithstanding the foregoing reasons for allowability of claims 18-20, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Accordingly, the rejections to these claims should be withdrawn.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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